

Laws and Regulations Information

It is SCS policy to provide technical assistance that follows all applicable federal, state, and local laws, regulations, and ordinances. If at any time during assistance, a landuser indicates that he or she does not intend to follow any applicable laws or regulations, then SCS assistance is terminated.

If a permit is required for any aspect of planning or construction activities, then SCS technical assistance is limited to that needed to submit permit application(s). Further technical assistance will be provided by SCS only after all appropriate permits have been obtained by the landuser. SCS does not complete or submit permit applications for landusers, but can provide technical assistance required in completing permit applications.

SCS personnel should have enough knowledge of applicable laws, regulations and ordinances to know when a permit may be required during the course of planning and know where additional information may be obtained.

Included in this section is a brief description of activities for which SCS provides assistance that may require permits or the obtaining of additional information prior to planning. This list is not exhaustive, however, and it will be the responsibility of the landuser to ensure that all permit requirements are met. Additional information on these permits can be obtained from the respective agency. Additional information on a few of the permits can be found in 450-GM, part 405.

The listing of laws and regulations in this section is intended to be used only as a preliminary guide as to the applicability of laws and regulations. **ADDITIONAL INFORMATION MUST BE OBTAINED FROM THE INDIVIDUAL AGENCIES.**

Law or Regulation	Applicability	Authority
<i>River & Harbor Act of 1899</i>	<i>Activities impacting navigable rivers.</i>	<i>COE</i>
<i>Section 404 of the Clean Water Act</i>	<i>Fills and inundations of 1 acre or more of wetlands and/or streams above the headwaters of 5 cfs streams. No size limitation below the 5 cfs stream headwaters.</i>	<i>COE</i>
<i>Stormwater Discharge Permits</i>	<i>Disturbance of an area of more than 5 acres Normal farming operations are exempt.</i>	<i>KDHE</i>
<i>National Food Security Act</i>	<i>Highly erodible land and wetland conservation provisions.</i>	<i>ASCS/SCS</i>
<i>Prescribed burning</i>	<i>Open burning regulations.</i>	<i>Local Authorities</i>
<i>Utility Safety</i>	<i>Activities affecting any utility.</i>	<i>Utility Companies</i>
<i>Threatened and Endangered Species</i>	<i>Activities affecting threatened and endangered species or their critical habitat.</i>	<i>FWS/KDWP</i>
<i>Farmland Protection Policy Act</i>	<i>Unnecessary conversion of farmland to non-agricultural land.</i>	<i>SCS</i>
<i>Diversion of water</i>	<i>Wells, pumping plants, or other diversion works</i>	<i>DWR</i>
<i>Dam construction</i>	<i>> 30 ac.-ft. of storage at the top of dam.</i>	<i>DWR</i>
<i>Stream Obstruction Act</i>	<i>Any change in course or cross-section of a stream channel.</i>	<i>DWR</i>
<i>Levee Law</i>	<i>Any levee.</i>	<i>DWR</i>
<i>Drain outlets</i>	<i>Outletting drains anywhere but the landuser's property.</i>	<i>Written permission from where the drain outlets</i>
<i>Confined feeding operations</i>	<i>> 300 head at one time.</i>	<i>KDHE</i>
<i>Unmarked Burial Sites Preservation Act</i>	<i>Disturbance of human remains.</i>	<i>Local law enforcement</i>
<i>Historic Preservation Act</i>	<i>Activities that affect properties listed on the Register of Historic Places/or eligible for listing-KFS</i>	<i>SHPO</i>
<i>Noxious Weed Act</i>	<i>Control of noxious weeds.</i>	<i>Local noxious weed board</i>

Law or Regulation	Applicability	Authority
<i>Pesticide Law</i>	<i>Application of restricted use pesticides.</i>	<i>St. Bd. of Ag.</i>
<i>Chemigation Safety Law</i>	<i>All chemigation.</i>	<i>St. Bd. of Ag.</i>
<i>Water wells</i>	<i>Requirements of new water well construction.</i>	<i>KDHE</i>
<i>Pollution Control Act</i>	<i>Installation of pollution control for agricultural related pollutants.</i>	<i>KDHE</i>
<i>Water Transfer Act</i>	<i>Diversion and transportation of more than 1,000 ac-ft of water per year for use outside a ten mile radius.</i>	<i>DWR</i>
<i>Water Storage Law</i>	<i>Dams over 10 feet in height and storage of more than 5 ac-ft of water may be eligible for a tax exemption.</i>	<i>DWR</i>
<i>Environmental Coordination Act</i>	<i>Applications for water project permits must be reviewed by various state agencies. <u>Note:</u> DWR will process this automatically, with no additional applications required to be completed.</i>	<i>State Agencies</i>

ASCS - *Agricultural Stabilization and Conservation Service*

COE - *Army Corps of Engineers*

DWR - *Kansas Division of Water Resources*

FWS - *Department of the Interior, Fish and Wildlife Service*

KDHE - *Kansas Department of Health and Environment*

SCS - *Soil Conservation Service*

SHPO - *State Historical Preservation Office*

St. Bd. of Ag. - *Kansas State Board of Agriculture*